

Permits/Certifications

Section 401:

Section 401 of the Clean Water Act (CWA) requires a water quality certification when a project, A) requires a Federal license or permit, and B) will result in a discharge to waters of the United States.

Section 402:

This section requires a permit for the discharge of any pollutant (except dredge or fill material) into waters of the United States. A National Pollutant Discharge Elimination System (NPDES) permit is necessary for point source discharges of pollutants to surface waters.

Section 404:

This permit is administered by the Army Corps of Engineers (ACOE) to regulated the discharge of dredged or fill material in waters of the United States. Section 404(b)(1) allows the discharge of dredged or fill material into aquatic systems only if there is no practicable alternative which would have less adverse impacts.

DNR Construction in a Floodway:

The Flood Control Act (IC-14-28-1) requires a permit for all construction in a floodway unless it qualifies for a bridge exemption. "A permit is not required for ... a construction or reconstruction project on a state or county highway bridge in rural area that crosses a stream having an upstream drainage area or ... 50 square miles or less..."